

MONTANA LEGISLATIVE HISTORY

Chapter 252 19 91

Bill H 502 S _____ Original bill & history ____ C

H. Committee on Education + Culture Resources S. Committee on Education + Culture Resources

Hearing Date(s) Feb 15 ☒ C

_____ ☐ C

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Date Out Feb 16 ☒ C

Hearing Date(s) Mar 13 ☒ C

_____ ☐ C

_____ ☐ C

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Mar 13 ☒ C

Did this bill originate in an interim committee? ____ Yes ____ No

Committee _____

Report _____

HB 505

HOUSE FINAL STATUS

HB 505 INTRODUCED BY COBB

ESTABLISHING BURDEN OF PROOF IN INTENTIONAL
INTERFERENCE OF CONTRACTS

1/31 INTRODUCED
 1/31 REFERRED TO JUDICIARY
 2/01 FIRST READING
 2/06 HEARING
 2/15 TABLED IN COMMITTEE

HB 506 INTRODUCED BY COBB

WORKERS' COMPENSATION LUMP-SUM PAYMENT STATUTE REVISION

1/31 INTRODUCED
 1/31 REFERRED TO LABOR & EMPLOYMENT RELATIONS
 2/01 FISCAL NOTE REQUESTED
 2/01 FIRST READING
 2/04 FISCAL NOTE RECEIVED
 2/05 FISCAL NOTE PRINTED
 2/14 HEARING
 2/15 COMMITTEE REPORT—BILL PASSED AS AMENDED
 2/23 2ND READING PASSED 98 0
 2/26 3RD READING PASSED 99 0

 TRANSMITTED TO SENATE
 2/27 FIRST READING
 2/27 REFERRED TO LABOR & EMPLOYMENT RELATIONS
 3/12 HEARING
 3/27 TABLED IN COMMITTEE

HB 507 INTRODUCED BY COBB

EXHAUSTION OF ADMINISTRATIVE REMEDIES
CONDITION OF SCHOOL LAWSUITS

1/31 INTRODUCED
 1/31 REFERRED TO EDUCATION & CULTURAL RESOURCES
 2/01 FIRST READING
 2/15 HEARING
 2/16 COMMITTEE REPORT—BILL PASSED
 2/21 PLACED ON CONSENT CALENDAR
 2/23 3RD READING PASSED 98 0

 TRANSMITTED TO SENATE
 2/25 FIRST READING
 2/25 REFERRED TO EDUCATION & CULTURAL RESOURCES
 3/13 HEARING
 3/14 COMMITTEE REPORT—BILL CONCURRED
 3/16 2ND READING CONCURRED 49 0
 3/18 3RD READING CONCURRED 49 0

 RETURNED TO HOUSE
 3/23 SIGNED BY SPEAKER
 3/25 SIGNED BY PRESIDENT
 3/25 TRANSMITTED TO GOVERNOR
 3/29 SIGNED BY GOVERNOR
 CHAPTER NUMBER 252

EFFECTIVE DATE: 10/01/91

HB 508 INTRODUCED BY KADAS, ET AL.

ESTABLISH MONTANA AS A MEMBER OF "THE PACIFIC
NORTHWEST ECONOMIC REGION"

1/31 INTRODUCED
 1/31 REFERRED TO APPROPRIATIONS
 2/01 FIRST READING
 3/20 HEARING
 3/25 COMMITTEE REPORT—BILL PASSED AS AMENDED

equal opportunity to all students. It appears schools are turning into social rehabilitation institutes that could have a detrimental effect on academic achievement. Mr. Bartholomew answered 90-95% of the students have no trouble going through the system and the other 5-10% destroy the environment of the school. REP. SIMPKINS asked if he recommends expanding the current facility to handle these problem children or establishing a separate program to remove them from the academic environment. Mr. Bartholomew replied a combination - in certain areas, some may be able to function in regular school settings and some may be only suited for an alternative classroom.

Closing by Sponsor:

REP. BROWN said calling these kids "in trouble" and not "at-risk" may more appropriately describe them and an amendment may be in order.

HEARING ON HB 507

Presentation and Opening Statement by Sponsor:

REPRESENTATIVE JOHN COBB, House District 42, Augusta, said currently the County Superintendents are to hear and decide all matters of controversy arising in the county. The general rule is that a claimant of the system must exhaust all administrative remedies before filing a complaint or petition in District Court with the three exceptions on page 2, lines 14-18. That is what the Supreme Court said verbatim.

Proponents' Testimony: None

Opponents' Testimony: None

Questions From Committee Members: None

Closing by Sponsor:

REP. COBB said he hoped for favorable consideration.

HEARING ON HB 647

Presentation and Opening Statement by Sponsor:

REP. TED SCHYE, House District 9, Glasgow, said HB 647 is at the request of the Superintendent of Public Instruction and is an the important education bill this session and has been every session - it is the foundation program schedules that puts state money into schools.

Proponents' Testimony:

Nancy Keenan, Superintendent of Public Instruction, said HB 647 proposes a 4.8% increase in the Foundation Schedule. If schools

Opponents' Testimony: None

Questions From Committee Members:

CHAIRMAN SCHYE asked REP. GRINDE what he meant by saying the schedules are guaranteed. How are they guaranteed? REP. GRINDE answered every time the Legislature meets it funds the schedules. CHAIRMAN SCHYE said he made the statement that education is always guaranteed, and how is that true since an appropriations bill is needed before they are guaranteed. REP. GRINDE replied this funding has been done throughout history.

Closing by Sponsor:

REP. GRINDE said this is a difficult situation since everyone wants to support education but it has to be done in a rational manner realizing other areas need attention. He doesn't see good times ahead for the State of Montana but wishes he could predict differently. To impose more taxes on the people would be a very poor move.

EXECUTIVE ACTION ON HB 507

Motion/Vote: REP. BERGSAGEL moved HB 507 DO PASS. Motion CARRIED unanimously.

EXECUTIVE ACTION ON HB 654

Motion/Vote: REP. BERGSAGEL moved HB 654 DO PASS.

Discussion: Andrea Merrill discussed the proposed amendment to remove unconstitutional language regarding age qualifications for teacher certification. EXHIBIT 5

Motion/Vote: REP. ELLIS moved to adopt the amendment. Motion CARRIED unanimously.

Motion/Vote: REP. BERGSAGEL moved HB 654 DO PASS AS AMENDED. Motion CARRIED unanimously.

EXECUTIVE ACTION ON HB 436

Motion: REP. WYATT moved HB 436 DO PASS.

Discussion: Andrea Merrill explained amendments to HB 436. EXHIBIT 6

Motion/Vote: REP. STANG moved to adopt the amendments. Motion CARRIED unanimously.

Motion/Vote: REP. WYATT made a substitute motion that HB 436 DO PASS AS AMENDED. Motion CARRIED unanimously.

HOUSE OF REPRESENTATIVES

EDUCATION AND CULTURAL RESOURCES COMMITTEE

ROLL CALL

DATE 2-15-91

NAME	PRESENT	ABSENT	EXCUSED
REP. TED SCHYE, CHAIRMAN	✓		
REP. ERVIN DAVIS, VICE-CHAIRMAN	✓		
REP. STEVE BENEDICT	✓		
REP. ERNEST BERGSAGEL	✓		
REP. ROBERT CLARK	✓		
REP. VICKI COCCHIARELLA	✓		
REP. FRED "FRITZ" DAILY	✓		
REP. ALVIN ELLIS, JR.	✓		
REP. GARY FELAND	✓		
REP. GARY FORRESTER	✓		
REP. FLOYD "BOB" GERVAIS	✓		
REP. H.S. "SONNY" HANSON	✓		
REP. DAN HARRINGTON	✓		
REP. TOM KILPATRICK	✓		
REP. BEA MCCARTHY	✓		
REP. SCOTT MCCULLOCH	✓		
REP. RICHARD SIMPKINS	✓		
REP. BARRY "SPOOK" STANG	✓		
REP. NORM WALLIN	✓		
REP. DIANA WYATT	✓		

11156
2-16-91
TDB

HOUSE STANDING COMMITTEE REPORT

February 16, 1991

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Mr. Speaker: We, the committee on Education and Cultural Resources report that House Bill 507 (first reading copy -- white) do pass .

Signed: _____
Ted Schye, Chairman

HEARING ON HB 507Presentation and Opening Statement by Sponsor:

REPRESENTATIVE JOHN COBB, House District 42, an act providing for exhaustion of administrative remedies condition of school lawsuits. Request for law to be changed to conform to supreme court rulings. The law says any matters arising with a trustee or teacher must go through office of county superintendent first; and follow that administrative procedure. Supreme Court in ruling said that you must exhaust all administrative remedies except the ones listed on Page 2, Lines 14-18. This bill would just put into law exceptions so it would not be necessary to go through administrative remedies on the three listed exceptions.

No proponents or opponents.

Questions From Committee Members:

LOREN FRAZIER asked for explanations of Sections 2: a, b and c.

REPRESENTATIVE COBB said that the Supreme Court did not offer explanation. The court only said that there are exceptions that do not have to be considered.

PHIL CAMPBELL said examples might be a state agency that has jurisdiction and would have a wage claim that someone might want to bring; there is specified a procedure through the Department of Labor whereby one could go right into District Court on a wage claim provision and that would take care of state agency or specific statutes that govern the appeal process. There is a statute that already provides for an appeal provision when you can use that statute. If not, you would come back to administrative procedures.

SENATOR PINSONEAULT said that he thought an example of C would be if a school board has a procedure for termination; instead of following the process, they might call the teacher in and tell him/her that they are terminated. They are not granted authority by their own rules to do that.

Closing by Sponsor:

REPRESENTATIVE COBB closed hearing.

EXECUTIVE ACTION ON HB 507Motion and vote:

SENATOR PINSONEAULT made a motion DO CONCUR in HB 507. Vote was unanimous. Motion carried.

Carrier - Senator Pinsoneault.